

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

|                          |   |                           |
|--------------------------|---|---------------------------|
| UNITED STATES OF AMERICA | ) |                           |
|                          | ) |                           |
| v.                       | ) | Criminal No. 05-10184-GAO |
|                          | ) |                           |
| NOEL NEFF,               | ) |                           |
| Defendant                | ) |                           |

JOINT INITIAL STATUS MEMORANDUM

Pursuant to Local Rule 116.5(A), the parties hereby submit this Joint Initial Status Report to advise this Court of the following:

1. On August 25, 2005, in response to a written request from defense counsel, and L.R. 116.1(C), the government produced 222 pages of discovery, several photographs, several audio recordings, and several video recordings of Windows XP desktop sessions depicting internet activity. Defense counsel must review all of this material carefully before he is able to determine whether he has any further discovery requests. In fact, as a result of his initial review of a portion of this material, counsel has already made two additional discovery requests.

2. The initial status conference in this case is scheduled for September 12, 2005. Defense counsel will be in California until September 14, 2005. Therefore, the parties seek relief from the otherwise applicable timing requirements imposed by L.R.

116.3.

3. Because discovery has not yet been completed, the parties are unable to determine whether they will file any motions, and therefore, the parties do not request at this time that the Court establish a motion date under Fed. R. Crim. P. 12.

4. The parties also request that the period between September 12, 2005, and the initial status conference, be excluded under the Speedy Trial Act.

5. At this time, the parties have not yet been able to determine whether a trial will be necessary in this case.

6. Given the present status of this case and defense counsel's unavailability as noted above, the parties agree that there is no need for the September 12, 2005, initial status conference. The parties request that the initial status conference be continued to October 11, 2005.

Respectfully Submitted,

MICHAEL J. SULLIVAN,  
United States Attorney

NOEL NEFF,  
Defendant

By: /s/ Robert Richardson [cbw]  
ROBERT RICHARDSON  
Assistant U.S. Attorney  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
Tel. (617) 748-3103

/s/Chauncey B. Wood  
Chauncey B. Wood, BBO# 600354  
Shea, LaRocque & Wood, LLP  
47 3<sup>rd</sup> Street, Suite 201  
Cambridge, MA 02141  
Tel. (617) 577-8722

**Dated: September 9, 2005**